

Remarks:

These remarks are responsive to the Office action dated July 28, 2005. Claims 1-16 remain pending in the instant application. Pursuant to the Office action, claims 1-5, 7, 10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. §102(e) based on Fresk et al. (U.S. Patent No. 6,421,135 B1). Claims 6, 8, 11 and 14 stand rejected under 35 U.S.C. §102(e) based on "U.S. Patent No. 6,026,256 to Fresk et al." In view of the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 102

Claims 1-5, 7, 10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. §102(e) based on Fresk et al. (U.S. Patent No. 6,421,135). However, as noted by the Examiner, the applied reference (U.S. Patent No. 6,421,135) has a common inventor with the instant application. Furthermore, those aspects of the invention which were disclosed in the reference, and which are now disclosed and claimed in the instant application, were derived from such common inventor. Accordingly, Applicants submit herewith a Declaration Under §1.132, which constitutes a proper showing under 37 C.F.R. §1.132, and thus overcomes the rejection. The rejection of claims 1-5, 7, 10, 12, 13, 15 and 16 thus should be withdrawn.

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Rejections under 35 USC § 103

Claims 6, 8, 11 and 14 stand rejected under 35 U.S.C. §102(e) based on "U.S. Patent No. 6,026,256 to Fresk et al." Applicants note, however, that U.S. Patent No. 6,026,256 is not to Fresk et al., and notes that U.S. Patent No. 6, 026,256 is not of record in the present application. However, based on the supporting arguments in the Office action (which refer to "the rejection of claim 1 above", and which appear to reference language found in U.S. Patent No. 6,421,135), Applicants understand that the Examiner intended to refer to U.S. Patent No. 6,421,135 to Fresk et al.

As noted above, those aspects of the presently claimed invention which were disclosed in the reference are not the invention "of another." Applicants thus have submitted the above-referenced Declaration Under §1.132. Furthermore, the subject matter of the claimed invention and U.S. Patent No. 6,421,135 were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. U.S. Patent No. 6,421,135 thus is disqualified as prior art under 35 U.S.C. §103 pursuant to 35 U.S.C. §103(c). The rejection of claims 6, 8, 11 and 14 thus should be withdrawn.

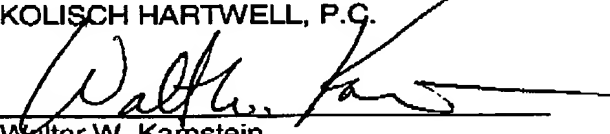
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Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

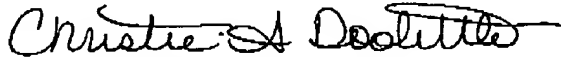
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner J. Grant, Group Art Unit 2626, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on October 28, 2005.



Christie A. Doolittle

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